

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gary D. Mangels on July 20, 2011.

The application has been amended as follows:

Specification, based on the amendment filed July 12, 2011, the first full paragraph of page 7, line 7, after "acrylate" insert --silicon--.

Claim 7, lines 5-6, delete "comprising a diglycidyl ether of bisphenol-A mixed with acrylate monomers".

Claim 20, line 3, replace "viscosity lowering diluent" with --C₁₂-C₁₃ alkyl glycidyl ether--.

Cancel claims 25 and 28.

Rejoin withdrawn claims 26, 27 and 29-35.

Claim 26, line 4 delete the comma "," and replace the remaining lines with --as an insulation material glued between first and second syntactic foam materials--.

Claim 33, line 2, replace "a diluent" with --an alkyl glycidyl ether--, replace line 3 with --(b) an epoxy diacrylate resin reactive with a primary amine; (c) a C₁₂-C₁₃ alkyl glycidyl ether--, and line 3, delete "lowering agent".

Claim 34, replace lines 5-6 with --(b) and epoxy diacrylate resin--.

The following is an examiner's statement of reasons for allowance:

The modifications to the claims set forth in the examiner's amendment hereinabove overcomes the objection to the specification and 35 U.S.C. 112, first paragraph, rejection applied in the non-Final rejection mailed January 12, 2011.

The 35 U.S.C. 103(a) rejections over Weinmann et al. Patent No. 6,395,845 in view of Neuner Patent No. 6,160,041 and Matsura et al. Patent No. 6,046,072 and further in view of Flynn et al. Patent No. 5,229,252 are rescinded. It is counterintuitive to incorporate the hollow ceramic microspheres of Neuner into the composition of Weinmann et al. since the microspheres confer compressive and tensile strengths to a rigid cement-like material (col. 2, lines 51-56) which is a different field of endeavor from the waterproofing membrane of Weinmann et al. required to exhibit properties of flexibility (col. 14, line 64 to col. 15, line 4). Matsura et al. does not attribute any properties exclusively contributed by the ceramic powder (col. 9, lines 9-11), thereby lacking a motivation to add it to the formulation of Weinmann et al.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

(571) 272-1093 (Fax No. (571)-273-8300)
Monday to Friday, 9:30 to 6:00

/Robert Sellers/
Primary Examiner
Art Unit 1765

rs
7/27/2011